

## **RESPONSE**

This is a response to the Office Action dated March 21, 2005. Claims 1-24 are pending in the application. In the Office Action, the Examiner objected to various informalities and typographic errors in the specification. The Examiner rejected claims 1, 3, 4, 6, 9-21 and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 5,859,596 (“McRae”). Claims 2, 5, 7, 8, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Macrodyne Inc. Model 1690 Phasor Measurement Unit Product Description (“Macrodyne”), Applicant’s Admissions of the prior art or Power System Applications for Phasor Measurement Units (“Burnett”).

The rejections from the Office Action of March 21, 2005 are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

### **I. SPECIFICATION OBJECTIONS**

The Examiner objected to the specification as containing various informalities and typographic errors. With this response, a substitute specification has been provided which corrects all of the errors noted by the Examiner. No new matter has been added. A marked up version of the substitute specification has not been provided because the changes were mainly formatting changes to tables within the specification.

Paragraph 5 of the prior office action and paragraph 2 of the current office action state that the listing of references in the specification is not a proper information disclosure statement. However, the references listed in the specification were not intended to be information disclosures and are merely used as examples of what is commonly known in the art. Further, certain of these references were listed in a proper Information Disclosure Statement.

In particular, the following corrections have been made:

1. On pages 28-48, 50-68 and 71 the tables have been revised so that the spacing between all lines of each table is 1.5 lines;
2. On page 1, paragraph 0001, line 7, the patent application inadvertently identified as “08/798,923” has been corrected to “08/798,723”; and

3. On page, 40, line 2, currently page 45, line 9, the grammatical error “ar not” has been corrected to “are not.”

Accordingly, Applicants respectfully request that the Examiner withdraw these objections to the Specification.

## **II. REJECTIONS UNDER 35 U.S.C. § 102**

Independent claims 1, 21 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by McRae (5,859,596). Applicant submits that McRae does not anticipate claims 1, 21 and 24 for the reason that McRae does not disclose all of the elements of each claim.

Both claim 1 and claim 24 relate to a monitoring device for an electric circuit. Both claim 1 and claim 24 claim systems for measuring the delivery of electrical energy from an energy supplier comprising a digital network and monitoring devices coupled to the network. The monitoring devices comprise at least one sensor, at least one analog to digital converter, a processor coupled to the analog to digital converter and a plurality of communication ports. The communication ports receive transmissions from the digital network and transmit them to the processor of one of the monitoring devices. The monitoring devices can engage in substantially simultaneous communication with the communication ports. Further, the monitoring devices are operative to communicate with each other over the digital network.

Claim 21 relates to a method for measuring the delivery of electrical energy from an energy supplier. The method comprises sensing an electrical parameter with a sensing device and generating an indicative analog signal, converting that signal to a digital signal, generating a computed value from the digital signal, receiving communications from the digital network and processing communications. Finally, the method comprises engaging in substantially simultaneous communications over the digital network where at least one communication is between multiple devices.

McRae discloses “a plurality of monitoring devices...connected to respective pieces of switchyard equipment and associated with a common communications network. A remote host computer is connected to the network to bi-directionally communicate with each monitoring device. The communications network is the existing power line used for delivering power and control signals to the switchyard equipment. Each monitoring device

includes testing and/or monitoring circuitry for testing and/or monitoring one or more conditions of the piece of switchyard equipment and generating condition data therefrom, a storage device for storing the generated data, and a transmitter adapted to transmit the data to the remote location via the power line. The remote host computer receives the data transmitted to the remote location and stores the received data therein in a database format. The monitoring device can request previously sent data from the remote host computer. The monitoring includes an RS-232 port for accepting a local computer which conducts tests of the switchyard equipment, analyzes the results, compares the results with previous tests, and reprograms alarm parameters and baseline values associated with the switchyard equipment.”  
McRae, Abstract.

McRae fails to disclose a “plurality of communication ports operative to receive communications from said digital network” and “said plurality of communication ports being coupled with said digital network” as in claim 1. McRae does disclose a communications port 47 and a power line interface 52. McRae, Figure 3. The power line interface is connected to the power line, which operates as a network, however the communications port 47 in Figure 3 is merely connected to a node computer 30. McRae, Figure 3, Abstract, and Col. 4, lines 32-39. “The node computer 30 is a portable or notebook personal computer.” McRae, Col. 4, lines 32-33. The communications port 47 connects the device to the node computer and it is evident from Figure 1 that the node computer does not connect to a digital network or to the power line carrier, which operates as a digital network. Claims 1, 21, and 24 disclose a plurality of communication ports coupled with a digital network. McRae does disclose two communication ports, but only one of the ports in McRae is connected to a network. As discussed above the other port (port 47) is connected to a node computer, rather than being connected to a digital network. Figures 1 and 3 show the monitoring device connecting to the power line (network) on one end and connecting to a node computer on the other, rather than being connected to the network through multiple communication ports. Therefore, McRae fails to disclose a plurality of communication ports coupled with a digital network as in claims 1, 21, and 24.

For at least these reasons, McRae does not anticipate independent claims 1, 21 and 24. Accordingly, Applicant requests that the Examiner withdraw this rejection of Claims 1, 21 and 24.

Dependent claims 3, 4, 6 and 9-20 were also rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by McRae. Dependent claims 3, 4, 6 and 9-20 should be allowed for the reasons set out above for the independent claims. Applicant therefore requests that the Examiner withdraw this rejection of these claims.

Applicant would like to reserve the argument that McRae is not prior art. This application is a divisional of U.S. Pat. No. 6,694,270, which claims priority to U.S. Pat. No. 5,650,936, filed on December 30, 1994. Therefore, this application claims priority to December 30, 1994, whereas McRae was filed August 30, 1996 and issued January 12, 1999. However, regardless whether McRae is prior art, McRae fails to disclose all of the elements of the claims as discussed above.

### **III. REJECTIONS UNDER 35 U.S.C. § 103(a)**

#### **A. McRae in view of Macrodyne**

Dependent claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Macrodyne. This claim should be allowed for the reasons set forth above for the independent claim. Neither McRae nor Macrodyne disclose all of the limitations of the independent claim from which claim 2 depends. In particular, McRae fails to disclose a plurality of communication ports coupled to a digital network. Accordingly, Applicants request that the Examiner withdraw these rejections of dependent claim 2.

#### **B. McRae in view of Applicant's Admissions of prior art**

Dependent claims 5, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's Admissions of prior art. These claims should be allowed for the reasons set forth above for the independent claim. Neither McRae nor Applicant's Admissions of prior art disclose all of the limitations of the independent claim from which claims 5, 7 or 8 depend. In particular, McRae fails to disclose a plurality

of communication ports coupled to a digital network. Accordingly, Applicants request that the Examiner withdraw these rejections of dependent claims 5, 7 and 8.

**C. McRae in view of Burnett Jr., et. al.**

Dependent claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's admissions of the prior art. These claims should be allowed for the reasons set forth above for the independent claim. Neither McRae nor Burnett disclose all of the limitations of the independent claim from which claims 22 or 23 depend. In particular, McRae fails to disclose a plurality of communication ports coupled to a digital network. Accordingly, Applicants request that the Examiner withdraw these rejections of dependent claims 22 and 23.

Attached hereto is an unmarked substitute version of the specification.

**CONCLUSION**

Each of the rejections in the Office Action dated March 21, 2005 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

May 20, 2005  
Date

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